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CHARTERED RIGHTS.

(On the East India Company)

LONDON: c 1786.
Printed for A. M'PHERSON, in the Strand; and
sold by all the Bookfellers in Town and Country.
PRICE THREE-PENCE.

AC 911. 1764. C49

CHARTERED RIGHTS.

THE great intereſt in preventing all reformation in the affairs of the Eaſt India Company, which the very perſons have, through whoſe miſmanagement and delinquency the neceſſity of ſuch a reformation has ariſen, readily accounts for the extraordinary induſtry and activity uſed by their agents to throw impediments in the way of every plan, offered for that purpoſe. Deluſion and deception are the readieſt, and indeed the only means of defence for a bad cauſe. No wonder then that the emiſſaries of theſe perſons ſhould exert all their induſtry, to blend together as one and the ſame, things that are as ſeparate and diſtinct as light from darkneſs;---that they ſhould attempt to confound together the chartered mono-

polies of the Eaſt India Company, with the ſacred rights of Magna Charta, and bruit about that the Chartered Rights of men are invaded and infringed, when the excluſive privileges of the Company are to be reconſidered or reſumed. As an alarm upon this ſubject has been founded through the country, very univerſally and induſtriouſly, we offer to the public a ſhort Abſtract from Mr. Burke's celebrated Speech upon the Eaſt India Bill, in which the line of diſtinction between the different ſorts of Charters is drawn with great truth and great preciſion. After ſtating the different grounds of objection taken againſt the Bill, he proceeds to examine the firſt, viz.---That the Bill is an attack on the Chartered Rights of men.

"The phraſe of 'the Chartered Rights *of* '*men*,' is full of affectation; and very unuſual in the diſcuſſion of privileges conferred by Charters of the preſent deſcription. But it is not difficult to diſcover what end that ambiguous mode of expreſſion, ſo often reiterated, is meant to anſwer.

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"The rights of *men*, that is to ſay the natural rights of mankind, are indeed ſacred things; and if any public meaſure is proved miſchievouſly to affect them, the objection ought to be fatal to that meaſure, even if no Charter at all could be ſet up againſt it. If theſe natural rights are further affirmed and declared by expreſs covenants, if they are clearly defined and ſecured againſt chicane, againſt power, and authority, by written inſtruments and poſitive engagements, they are in a ſtill better condition: they partake not only of the ſanctity of the object ſo ſecured, but of that ſolemn public faith itſelf, which ſecures an object of ſuch importance. Indeed this formal recognition, by the ſovereign power, of an original right in the ſubject, can never be ſubverted, but by rooting up the holding radical principles of government, and even of ſociety itſelf. The charters, which we call by diſtinction *great*, are public inſtruments of this nature; I mean the charters of King John and King Henry the Third. The things ſecured by theſe inſtruments may, without any deceitful ambiguity,

biguity, be very fitly called the *chartered rights of men.*

"These Charters have made the very name of a Charter dear to the heart of every Engliſhman. But, Sir, there may be, and there are Charters, not only different in nature, but formed on principles the *very reverſe* of thoſe of the great Charter. Of this kind is the Charter of the Eaſt-India Company. *Magna Charta* is a Charter to reſtrain power, and to deſtroy monopoly: the Eaſt India Charter is a Charter to eſtabliſh monopoly, and to create power. Political power and commercial monopoly are *not* the rights of men; and the rights to them derived from Charters, it is fallacious and ſophiſtical to call "the Chartered Rights of men." Theſe Chartered Rights, (to ſpeak of ſuch Charters and of their effects in terms of the greateſt poſſible moderation) do at leaſt ſuſpend the natural rights of mankind at large; and in their very frame and conſtitution are liable to fall into a direct violation of them.

"It is a Charter of this latter deſcription (that is to ſay a Charter of Power and Monopoly

nopoly) which is affected by the Bill before you. The Bill, Sir, does, without queſtion, affect it; it does affect it eſſentially and ſubſtantially. But, having ſtated to you of what deſcription the Chartered Rights are which this Bill touches, I feel no difficulty at all in acknowledging the exiſtence of thoſe Chartered Rights, in their fulleſt extent. They belong to the Company in the ſureſt manner; and they are ſecured to that body by every ſort of public ſanction. They are ſtamped by the faith of the King; they are ſtamped by the faith of Parliament; they have been bought for money, for money honeſtly and fairly paid; they have been bought for valuable conſideration, over and over again.

" I therefore freely admit to the Eaſt India Company their claim to exclude their fellow ſubjects from the commerce of half the globe. I admit their claim to adminiſter an annual territorial revenue of ſeven millions ſterling; to command an army of ſixty thouſand men; and to diſpoſe (under the controul of a ſovereign imperial diſcretion, and with the due obſervance of a natural and local law) of the lives and fortunes

tunes of thirty millions of their fellow creatures. All this they poſſeſs by Charter and by Acts of Parliament (in my opinion) without a ſhadow of controverſy.

" Thoſe who carry the rights and claims of the Company the furtheſt do not contend for more than this; and all this I freely grant. But granting all this, they muſt grant to me in my turn, that all political power which is ſet over men, and that all privilege claimed or exerciſed in excluſion of them, being wholly artificial, and for ſo much, a derogation from the natural equality of mankind at large, ought to be ſome way or other exerciſed ultimately for their benefit.

" If this is true with regard to every ſpecies of politica ldominion, and every deſcription of commercial privilege, none of which can be original ſelf-derived rights, or grants for the mere private benefit of the holders, then ſuch rights or privileges, or whatever elſe you chuſe to call them, are all in the ſtricteſt ſenſe a *truſt*; and it is of the very eſſence of every truſt to be rendered *accountable*; and even totally to *ceaſe*, when it ſubſtantially varies from the purpoſes for which

which alone it could have a lawful exiſtence.

" This I conceive, Sir, to be true of truſts of power veſted in the higheſt hands, and of ſuch as ſeem to hold of no human creature. But about the application of this principle to ſubordinate *derivative* truſts, I do not ſee how a controverſy can be maintained. To whom then would I make the Eaſt India Company accountable? Why, to Parliament to be ſure; to Parliament, from whom their truſt was derived; to Parliament, which alone is capable of comprehending the magnitude of its object, and its abuſe; and alone capable of an effectual legiſlative remedy. The very Charter, which is held out to exclude Parliament from correcting malverſation with regard to the high truſt veſted in the Company, is the very thing which at once gives a title and impoſes a duty on us to interfere with effect, wherever power and authority originating from ourſelves are perverted from their purpoſes, and become inſtruments of wrong and violence.

If Parliament, Sir, had nothing to do

with this Charter, we might have ſome ſort of Epicurean excuſe to ſtand aloof, indifferent ſpectators of what paſſes in the Company's name in India and in London. But if we are the very cauſe of the evil, we are in a ſpecial manner engaged to the redreſs; and for us paſſively to bear with oppreſſions committed under the ſanction of our own authority, is in truth and reaſon for this Houſe to be an active accomplice in the abuſe.

"That the power notoriouſly, groſsly abuſed has been brought from us is very certain. But this circumſtance, which is urged againſt the Bill, becomes an additional motive for our interference; leſt we ſhould be thought to have ſold the blood of millions of men, for the baſe conſideration of money. We ſold, I admit, all that we had to ſell; that is our authority, not our controul. We had not a right to make a market of our duties.

"I ground myſelf therefore on this principle---that if the abuſe is proved, the contract is broken; and we re-enter into all our rights; that is, into the exerciſe of all our

our duties. Our own authority is indeed as much a truſt originally, as the Company's authority is a truſt derivatively; and it is the uſe we make of the reſumed power that muſt juſtify or condemn us in the reſumption of it. When we have perfected the plan laid before us by the Right Honourable Mover, the world will then ſee what it is we deſtroy, and what it is we create. By that teſt we ſtand or fall; and by that teſt I truſt that it will be found in the iſſue, that we are going to ſuperſede a Charter abuſed to the full extent of all the powers which it could abuſe, and exerciſed in the plenitude of deſpotiſm, tyranny, and corruption; and that, in one and the ſame plan, we provide a real Chartered Security for the *rights of men* cruelly violated under that Charter.

This bill, and thoſe connected with it, are intended to form the *Magna Charta* of Hindoſtan. Whatever the treaty of Weſtphalia is to the liberty of the princes and free cities of the empire, and to the three religions there profeſſed----Whatever the great Charter, the ſtatute of tallage, the peti-

tion of right, and the declaration of right, are to Great Britain, theſe Bills are to the people of India. Of this benefit, I am certain, their condition is capable; and when I know that they are capable of more, my vote ſhall moſt aſſuredly be for our giving to the full extent of their capacity of receiving; and no Charter of dominion ſhall ſtand as a bar in my way to their Charter of ſafety and protection."

The force of reaſoning, and the preciſe clearneſs of argument of the foregoing Abſtract, is not more conſpicuous than the generous love of every part of the human race, which pervades the whole, and which gives the author ſo juſt a title to the reſpect, admiration, and love of every human being. It would be ſuperfluous to make any obſervations with reſpect to the ſubject matter; but precedent often gives additional weight to the ſoundeſt argument.

That it has been the conſtant practice of Parliament to reſume, and even to annihilate, the privileges of Charters, in caſes of abuſe, is eaſily brought to the recollection

tion of every man, (without recurring to the more ancient caſes of the South Sea Company) by the recent inſtances of Shoreham and Cricklade; the Chartered Rights, and ancient, valuable privileges of theſe boroughs were reſumed and taken from them, upon proof, that they had been uſed to evil and corrupt purpoſes. Does any one pretend to aſſert, that theſe caſes were the cauſe or ſubject of alarm, even to other corporations? Were they eſteemed ſuch by the public? The very reverſe:--the voice of the public was unanimous and loud, in applauding theſe exertions of legiſlative authority, as acts of neceſſary attention to general good, and, at the ſame time, of exemplary juſtice againſt delinquent corporations. What then is the preſent queſtion with reſpect to the Eaſt India Company? It is ſhortly this---Do the circumſtances of the Company call for parliamentary interference, or do they not? Is the Company delinquent, or is it not? Should any doubt ariſe upon theſe queſtions in the mind of a ſingle individual, he is referred for a larger view of the caſe to

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the numerous and authentic Reports of the Secret and Select Committees, which have employed, during a course of some years, the zeal and labours of men of the first and most discriminative abilities, and, at the same time, of every political description. If a shorter sketch of the enormity of the proceedings of the East India Company is likely to satisfy such a doubt, he is referred to the other parts of that excellent Speech, from which the above Abstract has been taken. That alone contains the most authentic detail of facts of the most serious and alarming nature, and ample proof of the necessity of parliamentary interference at the present moment.

This once admitted,--whoever attempts to remedy these evils, does that, which is laudable in itself, because it tends to public benefit.

Mr. Dundas must therefore stand exculpated from every censure, for having proposed a very essential alteration in the Chartered Rights of the Company by his Bill of last session. Upon the same ground Mr. Fox must stand exculpated on account of

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of his Bill of this ſeſſion. And Mr. Pitt muſt alſo ſtand exculpated on account of his Bill.

The only difference between the three plans is, which of the three would have carried the more certain and effectual remedy to the exiſting evils.

FINIS.